

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:06CR99
vs.)
RAYMOND C. WHITBACK, SR., and)
KIMBERLY THIEM,)
Defendants.) ORDER

This matter is before the court on the motion to continue by defendant Kimberly Thiem (Thiem) (Filing No. 56). Thiem seeks a continuance of the trial of this matter for at least sixty days. Thiem's counsel represents that counsel for the government has no objection to the motion. Thiem's counsel represents that Thiem will submit an affidavit in accordance with paragraph 9 of the progression order whereby Thiem consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and trial will be continued as to all defendants.

IT IS ORDERED:

1. Thiem's motion to continue trial (Filing No. 56) is granted.
2. Trial of this matter **as to all remaining defendants** is re-scheduled for **October 2, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 20, 2006 and October 2, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 20th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge